

**2001 DRAFTING REQUEST**

**Assembly Joint Resolution**

Received: 12/18/2000

Received By: **dykmapj**

Wanted: **Soon**

Identical to LRB:

For: **Robert Ziegelbauer (608) 266-0315**

By/Representing: **Tom Kelly**

This file may be shown to any legislator: **NO**

Drafter: **dykmapj**

May Contact:

Alt. Drafters:

Subject: **Constitutional Amendments  
Counties - miscellaneous  
Elections - miscellaneous**

Extra Copies: **JTK  
RJM**

**Pre Topic:**

No specific pre topic given

**Topic:**

Allow counties to convert constituionally required elected officers to appointed positions

**Instructions:**

See Attached

Allow the counties to convert by action of the county board and ratified by a referendum in a general election. Appointments by county executive or by county board if no county executive.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	dykmapj 12/18/2000	gilfokm 12/20/2000	pgreensl 12/21/2000	_____	lrb_docadmin 12/21/2000		
/1	dykmapj 01/26/2001	gilfokm 01/26/2001	rschluet 01/28/2001	_____	lrb_docadmin 01/28/2001	lrb_docadmin 01/29/2001	

FE Sent For:

<END>

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*1-4 kmg  
12/26-01*  
*D. 1-28-01*  
*O.S. 1-28-01*

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1?	dykmapj	1/1 - 12/KMG 12/20	12/20 PG.	12/20 12/20 PG			

FE Sent For:

<END>

## **Dykman, Peter**

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**From:** Kelly, Tom  
**Sent:** Monday, December 18, 2000 11:20 AM  
**To:** Dykman, Peter  
**Cc:** 'Bob Ziegelbauer'  
**Subject:** RE: permit converting the constitutionally required elected county officers from elected positions to appointed positions

Hi Peter.

I have written Rep. Ziegelbauer's answers to your questions in red next to the question which they answer. Please refer to the draft you sent me below.

Rep. Ziegelbauer would also like to allow counties to have as much flexibility as possible in assigning the duties of appointed positions.

Sincerely,

Tom Kelly  
[tom.kelly@legis.state.wi.us](mailto:tom.kelly@legis.state.wi.us)

### **Office of Rep. Bob Ziegelbauer**

#### **Staff**

Luanne Wavrunek Kostelic  
Thomas M. Kelly III

#### **State Capitol**

207-North, PO Box 8953; Madison, WI 53708-8953  
Phone: (608) 266-0315  
Toll Free: 1-888-529-0025  
Fax: (608) 266-0316  
Website: [www.legis.state.wi.us](http://www.legis.state.wi.us)

#### **In the District**

1213 S. 8th Street, PO Box 325  
Manitowoc, WI 54221-0325  
Office: (920) 684-6783  
Home: (920) 684-4362

-----Original Message-----

**From:** Dykman, Peter  
**Sent:** Friday, December 15, 2000 6:48 PM  
**To:** Kelly, Tom; Rep.Ziegelbauer  
**Subject:** permit converting the constitutionally required elected county officers from elected positions to appointed positions

Here are some questions and information regarding your drafting request:

THIS VERY PRELIMINARY DRAFT IS NOT COMPLETE AND HAS NOT BEEN EDITED. PLEASE REVIEW IT AND CALL ME TO HAVE IT REDRAFTED. AS THIS DRAFT DEVELOPS, YOU MAY WISH TO CONSIDER HOW MUCH OF YOUR INTENT NEEDS TO BE SET FORTH IN THE CONSTITUTION AND HOW MUCH CAN BE LEFT TO STATUTE. SEE ARTICLE XIII, SECTION 9, WHICH PROVIDES THE DEFAULT RULE IF THE OTHER PROVISIONS OF THE CONSTITUTION DO NOT CREATE AN OFFICE OR DIRECT HOW AN OFFICER IS TO BE

## **Dykman, Peter**

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**From:** Kelly, Tom  
**Sent:** Thursday, December 14, 2000 10:35 AM  
**To:** Dykman, Peter  
**Subject:** Drafting Request

**Importance:** High  
**Sensitivity:** Confidential

Hello Peter.

My name is Tom Kelly. I work for Rep. Ziegelbauer.

He has asked that I contact you to request that you draft a joint resolution for a constitutional amendment (first consideration) that would do the following:

Allow counties by action of the county board and ratified by a referendum in a general election to convert the constitutionally required elected county officers from elected positions to appointed positions. The appointments would be made by the county executive or by the county board where a county executive does not exist.

As you may know, Rep. Ziegelbauer is on the Kettl Commission. I think that this idea came up in a meeting of the Kettl Commission.

If you have any questions, thoughts, or comments, please do not hesitate to contact me.

Sincerely,

Tom Kelly  
[tom.kelly@legis.state.wi.us](mailto:tom.kelly@legis.state.wi.us)

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SELECTED. BY REMOVING ALL REFERENCES TO AN OFFICER, THE DEFAULT RULE WILL APPLY.

Section 1. Section 23 of article IV of the constitution is amended to read:

[Article IV] Section 23. The legislature shall establish but one system of town government, which shall be as nearly uniform as practicable; but the legislature may provide for the election at large once in every 4 years of a chief executive officer in any county with such powers of an administrative character as they may from time to time prescribe in accordance with this section and shall establish one or more systems of county government.

\*\*\*\*Note: Do you want to apply your change to the county executive? **NO**.

Section 2. Section 4 (1), (2), (3) (c), and (4) to (6) of article VI of the constitution are amended so as in effect to repeal said provisions:

[Article VI] Section 4 (1) Except as provided in sub. (2), coroners, registers of deeds, district attorneys, and all other elected county officers except judicial officers, sheriffs and chief executive officers, shall be chosen by the electors of the respective counties once in every 2 years.

Article VI, 4 (2) The offices of coroner and surveyor in counties having a population of 500,000 or more are abolished. Counties not having a population of 500,000 shall have the option of retaining the elective office of coroner or instituting a medical examiner system. Two or more counties may institute a joint medical examiner system.

Article VI, 4 (3) Article VI, 4 (3) (a) Sheriffs may not hold any other partisan office.

\*\*\*\*Note: Do you want to repeal this too? **NO**.

Article VI, 4 (3) (b) Sheriffs may be required by law to renew their security from time to time, and in default of giving such new security their office shall be deemed vacant.

\*\*\*\*Note: Do you want to repeal this too? **NO**.

Article VI, 4 (3) (c) Beginning with the first general election at which the governor is elected which occurs after the ratification of this paragraph, sheriffs shall be chosen by the electors of the respective counties once in every 4 years.

Article VI, 4 (4) The governor may remove any elected county officer mentioned in this section, giving to the officer a copy of the charges and an opportunity of being heard.

Article VI, 4 (5) All vacancies in the offices of coroner, register of deeds or district attorney shall be filled by appointment. The person appointed to fill a vacancy shall hold office only for the unexpired portion of the term to which appointed and until a successor shall be elected and qualified.

Article VI, 4 (6) When a vacancy occurs in the office of sheriff, the vacancy shall be filled by appointment of the governor, and the person appointed shall serve until his or her successor is elected and qualified.

Section 3. Section 12 of article VII of the constitution is amended so as in effect to repeal said subsections:

[Article VII] Section 12. There shall be a clerk of the circuit court chosen in each county organized for judicial purposes by the qualified electors thereof, who shall hold his office for two years, subject to removal as shall be provided by law; in case of a vacancy, the judge of the circuit court shall have power to appoint a clerk until the vacancy shall be filled by an election; the clerk thus elected or appointed shall give such security as the legislature may require. The supreme court shall appoint its own clerk, and a clerk of the circuit court may be appointed a clerk of the supreme court.

\*\*\*\*Note: Do you want to repeal this too? **YES. The Clerk of the Circuit Court would be appointed by a County Executive with the advice and consent of the County Board where a County Executive exists. The Clerk would be appointed by the County Board where a County Executive does not exist.** If you wish to repeal the first two sentences, do you want to repeal or do you want to retain the last sentence? **Retain the last sentence.**

Section 4. Section 9 of article XIII of the constitution is amended to read:

[Article XIII] Section 9 (1) All county officers whose election or appointment is not provided for by this constitution after the ratification of this subsection shall be elected by the electors of the respective counties, or appointed by the boards of supervisors, or other county authorities, as the legislature shall direct.

\*\*\*\*Note: The constitution does not require the election of county supervisors. See Article IV, §22 Powers of county boards. Section 22. The legislature may confer upon the boards of supervisors of the several counties of the state such powers of a local, legislative and administrative character as they shall from time to time prescribe.

Do you want to apply your change to county supervisors? **NO.**

(2) All city, town, and village officers whose election or appointment is not provided for by this constitution after the ratification of this subsection shall be elected by the electors of such cities, towns, and villages, or of some division thereof, or appointed by such authorities thereof, as the legislature shall designate for that purpose.

(4) All other officers whose election or appointment is not provided for by this constitution after the ratification of this subsection, and except all officers whose offices may hereafter be are created by law after the ratification of this subsection, shall be elected by the people or appointed, as the legislature may direct.

Section 5. Section 9 (3) of article XIII of the constitution is created to read:

[Article XIII] Section 9 (3) All officers whose offices are created by law after the ratification of this subsection shall be elected by the people, if required by this constitution to be elected by the people, or, if not required by this constitution to be elected by the people, elected or appointed, as the legislature may direct.

\*\*\*\*Note: See also existing Article XIII, §10 (1) The legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this constitution. **OK.**

Section 6. Section 17 of article XIV of the constitution is created to read:



[Article XIV] Section 17. The terms of office of sheriffs, coroners, registers of deeds, clerks, treasurers, district attorneys, or clerks of circuit court elected at the last general election held before this amendment takes effect expire on the first Monday of January after the first general election held after this amendment takes effect.

Hello Peter.

My name is Tom Kelly. I work for Rep. Ziegelbauer.

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Allow counties by action of the county board and ratified by a referendum in a general election to convert the constitutionally required elected county officers from elected positions to appointed positions. The appointments would be made by the county executive or by the county board where a county executive does not exist.

As you may know, Rep. Ziegelbauer is on the Kettl Commission. I think that this idea came up in a meeting of the Kettl Commission.

If you have any questions, thoughts, or comments, please do not hesitate to contact me.

Sincerely,

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[tom.kelly@legis.state.wi.us](mailto:tom.kelly@legis.state.wi.us)

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207-North, PO Box 8953; Madison, WI 53708-8953  
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Attorney Peter Dykman  
Wisconsin Legislative Reference Bureau  
100 N. Hamilton Street, Fifth Floor  
P.O. Box 2037  
Madison, Wisconsin 53701-2037  
Tel: (608) 266-7098  
Fax: (608) 264-8522  
Email: [Peter.Dykman@legis.state.wi.us](mailto:Peter.Dykman@legis.state.wi.us)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
**2001 ASSEMBLY JOINT RESOLUTION**

1 To amend so as in effect *to repeal* section 4 (1), (2), (3) (c) and (4) to (6) of article VI;  
2 *to amend* section 12 of article ~~VI~~ and section 9 of article XIII; and *to create*  
3 section 9 (3) of article XIII and section 17 of article XIV of the constitution;  
4 **relating to:** appointment of county officers and vacancies in county and  
5 judicial circuit offices (first consideration).

*the election*  
**Analysis by the Legislative Reference Bureau**

This is a preliminary draft.

**CURRENT**

Currently, the constitution provides for the election every ~~two~~ <sup>2</sup> years of county sheriffs, and every ~~two~~ <sup>2</sup> years of clerks of circuit court, registers of deeds, ~~and~~ district attorneys, and, unless a county appoints a medical examiner, coroners. Under current statutes, county clerks and treasurers, and surveyors unless a county appoints a surveyor, are also elected every 2 years, except that the constitution abolishes the offices of coroner and surveyor in counties having a population of 500,000 or more. These elected officers are elected on a partisan ballot in November of even-numbered years and take office the next January.

**PROPOSED**

This proposed constitutional amendment, proposed to the 2001 legislature on first consideration, permits counties to elect or appoint sheriffs, district attorneys,

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Step

~~elective~~  
a  
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county clerks, treasurers, registers of deeds, coroners, surveyors, and clerks of circuit court, and other county officers, except county chief executive offices, county supervisors, and judges. A change by the county board from ~~elected~~ to appointive, or from appointive to ~~elective~~, does not take effect unless the change is approved by the county voters at a referendum.

VACANCIES

Currently, a vacancy in the office of ~~sheriff~~, coroner, register of deeds, or district attorney is filled by appointment as required by the constitution. The constitution provides that the appointment of ~~sheriff~~ is made by the governor. The statutes provide that the appointment of the coroner, register of deeds, and district attorney is made by the governor. A vacancy in the office of surveyor, county clerk, or treasurer is filled by appointment of the county board under current statute law and a vacancy in the office of clerk of circuit court is filled under the constitution by "the judge of the circuit court."

This joint resolution provides that the appointments are made by the county chief executive officers, if the office exists, or by the county board, if the office of county chief executive office does not exist.

ADOPTION AND RATIFICATION

A constitutional amendment requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

***Resolved by the assembly, the senate concurring, That:***

SECTION 1. Section 4 (1), (2), (3) (c) and (4) to (6) of article VI of the constitution are amended so as in effect to repeal said provisions:

[Article VI] Section 4 (1) ~~Except as provided in sub. (2), coroners, registers of deeds, district attorneys, and all other elected county officers except judicial officers, sheriffs and chief executive officers, shall be chosen by the electors of the respective counties once in every 2 years.~~

~~Article VII (2) The offices of coroner and surveyor in counties having a population of 500,000 or more are abolished. Counties not having a population of 500,000 shall have the option of retaining the elective office of coroner or instituting a medical examiner system. Two or more counties may institute a joint medical examiner system.~~

1 ~~Article VII (3) (c) Beginning with the first general election at which the~~  
2 ~~governor is elected which occurs after the ratification of this paragraph, sheriffs shall~~  
3 ~~be chosen by the electors of the respective counties once in every 4 years.~~

4 ~~Article VII (4) The governor may remove any elected county officer mentioned~~  
5 ~~in this section, giving to the officer a copy of the charges and an opportunity of being~~  
6 ~~heard.~~

7 ~~Article VII (5) All vacancies in the offices of coroner, register of deeds or~~  
8 ~~district attorney shall be filled by appointment. The person appointed to fill a~~  
9 ~~vacancy shall hold office only for the unexpired portion of the term to which~~  
10 ~~appointed and until a successor shall be elected and qualified.~~

11 ~~Article VII (6) When a vacancy occurs in the office of sheriff, the vacancy shall~~  
12 ~~be filled by appointment of the governor, and the person appointed shall serve until~~  
13 ~~his or her successor is elected and qualified.~~

*to read:*

14 SECTION 2. Section 12 of article VII of the constitution is amended so as in effect  
15 to repeal said subsections ~~section~~

*Fix component*

16 [Article VII] Section 12. There shall be a clerk of the circuit court chosen in each  
17 county organized for judicial purposes by the qualified electors thereof, who shall  
18 hold his office for two years, subject to removal as shall be provided by law; in case  
19 of a vacancy, the judge of the circuit court shall have power to appoint a clerk until  
20 the vacancy shall be filled by an election; the clerk thus elected or appointed shall  
21 give such security as the legislature may require. The supreme court shall appoint  
22 its own clerk, and a clerk of the circuit court may be appointed a clerk of the supreme  
23 court.

24 SECTION 3. Section 9 of article XIII of the constitution is amended to read:

1 [Article XIII] Section 9 (1) All county officers, except county supervisors, whose  
 2 election or appointment is not provided for by this constitution after the ratification  
 3 of this subsection shall be elected by the electors of the respective counties, or  
 4 appointed by the chief county executive officers, if that office exists in the county, or  
 5 the boards of supervisors, or other county authorities if the office of chief county  
 6 executive officer does not exist in the county, as the legislature county board of the  
 7 respective counties shall direct. A change by the county board from an elected to  
 8 appointive office, or from an appointive to elective office, does not take effect without  
 9 submitting the question to a vote of the people of the county, nor unless a majority  
 10 of all the legal voters of the county voting on the question shall vote for the same.

11 (2) All city, town, and village officers whose election or appointment is not  
 12 provided for by this constitution after the ratification of this subsection shall be  
 13 elected by the electors of such cities, towns, and villages, or of some division thereof,  
 14 or appointed by such authorities thereof, as the legislature shall designate for that  
 15 purpose.

16 (4) All other officers whose election or appointment is not provided for by this  
 17 constitution after the ratification of this subsection, and except all officers whose  
 18 offices may hereafter be are created by law after the ratification of this subsection,  
 19 shall be elected by the people or appointed, as the legislature may direct.

20 SECTION 4. Section 9 (3) of article XIII of the constitution is created to read:

21 [Article XIII] Section 9 (3) All officers whose offices are created by law after the  
 22 ratification of this subsection shall be elected by the people, if required by this  
 23 constitution to be elected by the people, or, if not required by this constitution to be  
 24 elected by the people, elected or appointed, as provided in subsection (1), for county  
 25 officers, or as the legislature may direct, for other officers.

1           **SECTION 5.** Section 17 of article XIV of the constitution is created to read:

2           [Article XIV] Section 17. The terms of office of sheriffs, district attorneys,  
3           county clerks, treasurers, registers of deeds, coroners, surveyors, and clerks of circuit  
4           court elected ~~at the last general election held~~, before this amendment takes effect  
5           expire ~~on the first Monday of January after the first general election held after this~~  
6           ~~amendment takes effect.~~ *at the end of the term for which elected*

7           **SECTION 6. Numbering of new provisions.** (1) The new subsection (3) of  
8           section 9 of article XIII of the constitution created in this joint resolution shall be  
9           designated by the next higher open whole subsection number in that section in that  
10          article if, before the ratification by the people of the amendment proposed in this joint  
11          resolution, any other ratified amendment has created a subsection (3) of section 9 of  
12          article XIII of the constitution of this state. If one or more joint resolutions create  
13          a subsection (3) of section 9 of article XIII simultaneously with the ratification by the  
14          people of the amendment proposed in this joint resolution, the subsections created  
15          shall be numbered and placed in a sequence so that the subsections created by the  
16          joint resolution having the lowest enrolled joint resolution number have the numbers  
17          designated in that joint resolution and the subsections created by the other joint  
18          resolutions have numbers that are in the same ascending order as are the numbers  
19          of the enrolled joint resolutions creating the subsections.

20          (2) The new section 17 of article XIV of the constitution created in this joint  
21          resolution shall be designated by the next higher open whole section number in that  
22          article if, before the ratification by the people of the amendment proposed in this joint  
23          resolution, any other ratified amendment has created a section 17 of article XIV of  
24          the constitution of this state. If one or more joint resolutions create a section 17 of  
25          article XIV simultaneously with the ratification by the people of the amendment

1 proposed in this joint resolution, the sections created shall be numbered and placed  
2 in a sequence so that the sections created by the joint resolution having the lowest  
3 enrolled joint resolution number have the numbers designated in that joint  
4 resolution and the sections created by the other joint resolutions have numbers that  
5 are in the same ascending order as are the numbers of the enrolled joint resolutions  
6 creating the sections.

7 ***Be it further resolved, That*** this proposed amendment be referred to the  
8 legislature to be chosen at the next general election and that it be published for 3  
9 months previous to the time of holding such election.

10 (END)

*redraft*  
*run*

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

**2001 ASSEMBLY JOINT RESOLUTION**

*Soon*  
*[Signature]*  
*[Signature]*

1 To amend so as in effect ***to repeal*** section 4 (1), (2), (3) (c) and (4) to (6) of article VI;  
2 ***to amend*** section 12 of article VII and section 9 of article XIII; and ***to create***  
3 section 9 (3) of article XIII and section 17 of article XIV of the constitution;  
4 **relating to:** appointment of county officers and vacancies in county and  
5 judicial circuit offices (first consideration).

---

***Analysis by the Legislative Reference Bureau***

~~***This is a preliminary draft.***~~

**CURRENT**

Currently, the constitution provides for the election every 4 years of county sheriffs, and the election every 2 years of clerks of circuit court, registers of deeds; district attorneys, and, unless a county appoints a medical examiner, coroners. Under current statutes, county clerks and treasurers, and surveyors unless a county appoints a surveyor, are also elected every 2 years, except that the constitution abolishes the offices of coroner and surveyor in counties having a population of 500,000 or more. These elected officers are elected on a partisan ballot in November of even-numbered years and take office the next January.

**PROPOSED**

This proposed constitutional amendment, proposed to the 2001 legislature on first consideration, permits counties to elect or appoint sheriffs, district attorneys,



county clerks, treasurers, registers of deeds, coroners, surveyors, and clerks of circuit court, and other county officers, except county chief executive offices, county supervisors, and judges. A change by the county board from elected to appointive, or from appointive to elective, does not take effect unless the change is approved by the county voters at a referendum.

#### VACANCIES

Currently, a vacancy in the office of sheriff, coroner, register of deeds, or district attorney is filled by appointment as required by the constitution. The constitution provides that the appointment of a sheriff is made by the governor. The statutes provide that the appointment of the coroner, register of deeds, and district attorney is made by the governor. A vacancy in the office of surveyor, county clerk, or treasurer is filled by appointment of the county board under current statute law and a vacancy in the office of clerk of circuit court is filled under the constitution by “the judge of the circuit court.”

This joint resolution provides that the appointments are made by the county chief executive officer, if the office exists, or by the county board, if the office of county chief executive office does not exist.

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A constitutional amendment requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

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***Resolved by the assembly, the senate concurring, That:***

**SECTION 1.** Section 4 (1), (2), (3) (c) and (4) to (6) of article VI of the constitution are amended so as in effect to repeal said provisions:

~~[Article VI] Section 4 (1) Except as provided in sub. (2), coroners, registers of deeds, district attorneys, and all other elected county officers except judicial officers, sheriffs and chief executive officers, shall be chosen by the electors of the respective counties once in every 2 years.~~

~~(2) The offices of coroner and surveyor in counties having a population of 500,000 or more are abolished. Counties not having a population of 500,000 shall have the option of retaining the elective office of coroner or instituting a medical examiner system. Two or more counties may institute a joint medical examiner system.~~

1           (3) (c) ~~Beginning with the first general election at which the governor is elected~~  
2 ~~which occurs after the ratification of this paragraph, sheriffs shall be chosen by the~~  
3 ~~electors of the respective counties once in every 4 years.~~

4           (4) ~~The governor may remove any elected county officer mentioned in this~~  
5 ~~section, giving to the officer a copy of the charges and an opportunity of being heard.~~

6           (5) ~~All vacancies in the offices of coroner, register of deeds or district attorney~~  
7 ~~shall be filled by appointment. The person appointed to fill a vacancy shall hold office~~  
8 ~~only for the unexpired portion of the term to which appointed and until a successor~~  
9 ~~shall be elected and qualified.~~

10          (6) ~~When a vacancy occurs in the office of sheriff, the vacancy shall be filled by~~  
11 ~~appointment of the governor, and the person appointed shall serve until his or her~~  
12 ~~successor is elected and qualified.~~

13           **SECTION 2.** Section 12 of article VII of the constitution is amended to read:

14           [Article VII] Section 12. ~~There shall be a clerk of the circuit court chosen in each~~  
15 ~~county organized for judicial purposes by the qualified electors thereof, who shall~~  
16 ~~hold his office for two years, subject to removal as shall be provided by law; in case~~  
17 ~~of a vacancy, the judge of the circuit court shall have power to appoint a clerk until~~  
18 ~~the vacancy shall be filled by an election; the clerk thus elected or appointed shall~~  
19 ~~give such security as the legislature may require. The supreme court shall appoint~~  
20 ~~its own clerk, and a clerk of the circuit court may be appointed a clerk of the supreme~~  
21 ~~court.~~

22           **SECTION 3.** Section 9 of article XIII of the constitution is amended to read:

23           [Article XIII] Section 9 (1) All county officers, except county supervisors, whose  
24 election or appointment is not provided for by this constitution after the ratification  
25 of this subsection shall be elected by the electors of the respective counties, or

1 appointed by the chief county executive officers, if that office exists in the county, or  
2 the boards of supervisors, or other county authorities if the office of chief county  
3 executive officer does not exist in the county, as the legislature county board of the  
4 respective counties shall direct. A change by the county board from an elected to  
5 appointive office, or from an appointive to elective office, does not take effect without  
6 submitting the question to a vote of the people of the county, nor unless a majority  
7 of all of the legal voters of the county voting on the question shall vote for the same.

8 (2) All city, town, and village officers whose election or appointment is not  
9 provided for by this constitution after the ratification of this subsection shall be  
10 elected by the electors of such cities, towns, and villages, or of some division thereof,  
11 or appointed by such authorities thereof, as the legislature shall designate for that  
12 purpose.

13 (4) All other officers whose election or appointment is not provided for by this  
14 constitution, and after the ratification of this subsection, except all officers whose  
15 offices may hereafter be are created by law after the ratification of this subsection,  
16 shall be elected by the people or appointed, as the legislature may direct.

17 **SECTION 4.** Section 9 (3) of article XIII of the constitution is created to read:

18 [Article XIII] Section 9 (3) All officers whose offices are created by law after the  
19 ratification of this subsection shall be elected by the people, if required by this  
20 constitution to be elected by the people, or, if not required by this constitution to be  
21 elected by the people, elected or appointed, as provided in subsection (1), for county  
22 officers, or as the legislature may direct, for other officers.

23 **SECTION 5.** Section 17 of article XIV of the constitution is created to read:

24 [Article XIV] Section 17. The terms of office of sheriffs, district attorneys,  
25 county clerks, treasurers, registers of deeds, coroners, surveyors, and clerks of circuit

1 court elected before this amendment takes effect expire at the end of the term for  
2 which elected.

3 **SECTION 6. Numbering of new provisions.** (1) The new subsection (3) of  
4 section 9 of article XIII of the constitution created in this joint resolution shall be  
5 designated by the next higher open whole subsection number in that section in that  
6 article if, before the ratification by the people of the amendment proposed in this joint  
7 resolution, any other ratified amendment has created a subsection (3) of section 9 of  
8 article XIII of the constitution of this state. If one or more joint resolutions create  
9 a subsection (3) of section 9 of article XIII simultaneously with the ratification by the  
10 people of the amendment proposed in this joint resolution, the subsections created  
11 shall be numbered and placed in a sequence so that the subsections created by the  
12 joint resolution having the lowest enrolled joint resolution number have the numbers  
13 designated in that joint resolution and the subsections created by the other joint  
14 resolutions have numbers that are in the same ascending order as are the numbers  
15 of the enrolled joint resolutions creating the subsections.

16 (2) The new section 17 of article XIV of the constitution created in this joint  
17 resolution shall be designated by the next higher open whole section number in that  
18 article if, before the ratification by the people of the amendment proposed in this joint  
19 resolution, any other ratified amendment has created a section 17 of article XIV of  
20 the constitution of this state. If one or more joint resolutions create a section 17 of  
21 article XIV simultaneously with the ratification by the people of the amendment  
22 proposed in this joint resolution, the sections created shall be numbered and placed  
23 in a sequence so that the sections created by the joint resolution having the lowest  
24 enrolled joint resolution number have the numbers designated in that joint  
25 resolution and the sections created by the other joint resolutions have numbers that

1 are in the same ascending order as are the numbers of the enrolled joint resolutions  
2 creating the sections.

3 *Be it further resolved, That* this proposed amendment be referred to the  
4 legislature to be chosen at the next general election and that it be published for 3  
5 months previous to the time of holding such election.

6 (END)



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
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STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
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January 28, 2001

### MEMORANDUM

To: Representative Ziegelbauer

From: Attorney Peter J. Dykman, General Counsel

Re: LRB-1547 Allow counties to convert constitutionally required elected officers to appointed positions

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-7098 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.